

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

WEST VIRGINIA HIGHLANDS CONSERVANCY, INC.,
and SIERRA CLUB,

Plaintiffs,

v.

CIVIL ACTION NO. 3:11-0115

ERP ENVIRONMENTAL FUND, INC. and
RECEIVERSHIP ESTATE OF
ERP ENVIRONMENTAL FUND, INC.,

Defendants,


ORDER

Pending before the Court is Defendant's Motion for Referral of Dispute Under the Second Modified Consent Decree to the Special Master. ECF No. 243. Also pending is Plaintiff's Emergency Motion, which seeks to prevent referral of the issue to the Special Master, as well as an order to show cause as to why the Receivership Estate should not be held in contempt and an emergency order to preserve the status quo. ECF No. 244.

The Court thereby **SCHEDULES** a hearing for **11:00 am on Tuesday, August 30, 2022**, in Huntington for the parties to present oral arguments on the Motions. The Court **ORDERS** that the parties maintain the status quo and that no physical implementation of surface mining activity occur at the proposed mining site pending further order of the Court.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: August 26, 2022



ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE